

The regular monthly meeting of the City Planning Board was held on April 21, 2010 in the City Council Chambers in the City Hall Annex at 7:00 PM.

Present at the meeting were Members Drypolcher (who as Chair presided), Swope, Foss, Hicks, Meyer, and McClure (representing the City Council). Messrs. Woodward and Henninger, Ms. Hebert and Ms. Osgood of the City Planning Division were also present, as were Mr. Roberge, the City Engineer and Robert Mack, the City's Traffic Engineer.

At 7:07 PM a quorum was present and the Chair called the meeting to order.

APPLICATIONS

Minor Subdivision Applications

1. Application by **Fox Brook Holdings, LLC** for approval of a subdivision of property by virtue of a modification of a condominium of an existing office building located at **16 Foundry Street. (#2010-07)**

Determination of Completeness

Mr. Henninger explained this proposal to create five new building units from the existing convertible building area on the second and third floors at the 16 Foundry Street Condominium building.

He reported that this application was complete and ready for public hearing.

Mr. Swope moved that the Planning Board determine this application to be complete and open the public hearing. Ms. Meyer seconded. Motion carried.

Public Hearing

Mr. Henninger explained this proposal to create five building units from the existing convertible building area on the second and third floors at the 16 Foundry Street Condominium building. The subdivision would convert the second floor into a single condominium unit and the third floor into four condominium units. Common and limited common areas would be created on the second and third floors and limited common areas would be created on the roof top for mechanical units for each suite.

He reported that there were no other changes proposed to the site or buildings.

Attorney Richard Uchida from Orr & Reno was present on behalf of the applicant to answer questions from the Board.

There was no one present who wished to speak for or against this application and the Chair declared the hearing closed at 7:10 PM.

Deliberations and Action on Application

Mr. Swope moved that the Planning Board grant final subdivision approval for revisions to the 16 Foundry Street Condominium to create five new building units from convertible space as submitted. Ms. Foss seconded. Motion carried.

2. Application by **B & D Houston Enterprises LLC** for approval of a subdivision and re-subdivision of property on **Garvins Falls Road and Integra Drive. (#2010-11)**

Determination of Completeness

Mr. Henninger explained this proposal to combine a 44.05-acre parcel and a 13.17-acre parcel with frontage on Integra Drive and then subdivide a 2.25-acre residential lot on Garvins Falls Road.

He reported that this application was complete and ready for public hearing.

Mr. Swope moved that the Planning Board determine this application to be complete and open the public hearing. Ms. Meyer seconded. Motion carried.

Public Hearing

Mr. Henninger explained this proposal to combine a 44.05-acre parcel and a 13.17-acre parcel with frontage on the dedicated and accepted portion of Integra Drive and then to subdivide from the new 57.22-acre tract a 2.25-acre residential lot on Garvins Falls Road.

He explained that the applicant received approval on November 19, 2008, to subdivide a 2.25-acre residential lot on Garvins Falls Road from a 44.05-acre predominately commercial property located at the end of Integra Drive. In order to convey the new lot, the applicant was required to extend Integra Drive 260 feet to provide frontage for the remnant lot. He reported that the applicant had requested an extension of the conditional final approval of that subdivision until May 19, 2010, and it was granted by the Board. All conditions of approval have been addressed, except for the provision of a financial guarantee for the necessary extension of Integra Drive. The applicant has not been able to obtain a financial guarantee for this construction.

He reported that the existing 13.17-acre parcel was the subject of a major site plan approval for the Extra Innings indoor recreation complex. The site plan approval for that project has expired.

He reported that the applicant had requested a waiver in order to submit the plan at a scale of 1" = 100' and to submit a location plan at a scale of 1" = 800'. This waiver was granted for the previous subdivision.

The applicant obtained a variance from the Zoning Board of Adjustment on May 7, 2008, to allow for the creation of a lot along Garvins Falls Road with 128 feet of frontage where 200 feet is required.

Mr. Henninger reported that potential future road connections north and south through the site had been identified on the subdivision plan. It is intended that Integra Drive will extend approximately another 250-300 feet westerly to a future collector road which will extend southerly from Manchester Street. A corridor the future collector road has been reserved at the Freedom Cycle site at the intersection of Old Suncook Road/Manchester Street. This collector road will continue southerly beyond Integra Drive to Garvins Falls Road near the Passaconway Club. An agreement to convey the future right-of-way to the City at no cost has been provided in a form suitable for execution and recording.

There was no one present on behalf of the applicant and no one present who wished to speak for or against this application and the Chair declared the hearing closed at 7:17 PM.

Deliberations and Action on Application

Mr. Swope moved that the Planning Board grant a waiver to Section 8.03(1)(a) of the City's Subdivision Regulations to allow the subdivision plat to be submitted at a scale of 1" = 100' where a scale of 1" = 50' is required, and a waiver to allow the location to be presented at a scale of 1" = 800' where a scale a scale of 1" = 400' is required. Ms. Meyer seconded. Motion carried.

Mr. Swope moved that the Planning Board grant conditional final subdivision approval of the "Subdivision & Resubdivision Plat prepared for B& D Houston Enterprises, LLC" subject to the following standard and special conditions:

Standard Conditions

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address the minor corrections and omissions noted by City staff.
2. Traffic, recreation and school impact fees shall be assessed for any construction on new 2.25 acre residential lot on Garvins Falls contained within this approved subdivision. The impact fees and procedures shall be those in effect at the time of the issuance of a building permit as set forth in the City of Concord Code of Ordinances, Title IV, Subdivision Code: Chapter 29.2, Public Capital Facilities Impact Fee Ordinance. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 1, School Facilities Impact Fee per variable unit; and Table 2, Recreational Facilities Impact Fee per Variable Unit; and Table 3, Transportation Facilities Impact Fee per Variable Unit.
 - a. School Facilities – Single Family Residence
 - b. Recreational Facilities – Single Family Residence
 - c. Transportation Facilities - Single Family Residence

3. Prior to the final plat being signed by the Planning Board Chair and Clerk, the following easement documents and/or agreements, in a form acceptable to the City Solicitor and suitable for recording in the Merrimack County Registry of Deeds, will be provided to the Planning Division:
 - a. An agreement to convey a future right-of-way for an extension of Integra Drive and the future north-south road to be extended southerly from Manchester Street.

Special Conditions

4. Prior to the approval of any construction, or new land use, within the new 54.98 acre parcel, the remaining 140 feet of Integra Drive within the presently existing dedicated right-of-way shall be constructed to the same standard as the existing Integra Drive.

Ms. Meyer seconded. Motion carried.

3. Application by **Susan Whitney** for approval of a subdivision of property located on **Whitney Road at the intersection with Hoit Road. (#2010-12)**

Determination of Completeness

Ms. Hebert explained this proposal to annex 28,652 square feet from lot P27/2/18 to lot P27/2/19.

She reported that this application was complete and ready for public hearing.

Mr. Swope moved that the Planning Board determine this application to be complete and open the public hearing. Ms. Meyer seconded. Motion carried.

Public Hearing

Ms. Hebert explained this proposal to annex 28,652 square feet from lot P27/2/18 to lot P27/2/19. The property has frontage along Hoit Road but this section of that roadway is a State-managed, restricted-access highway, and driveways onto Hoit Road would not be permitted by the New Hampshire Department of Transportation.

She reported that the applicant had requested a waiver to Section 8.01 (2)(a)(ii) of the Subdivision Regulations to allow the subdivision plan to be submitted at a scale of 1" = 60' and 1" = 200', instead of 1" = 50' as required. The applicant had also requested a waiver to Section 8.02(2)(a)(i) & (v) which requires the contour lines at 2-foot intervals and the wetland locations to be included on the plan. The wetland locations and contours have not been included on parcel P27/2/19 due to the size of the lot (38 acres). In order to demonstrate that the lot meets the City's buildable area requirement, the

wetlands and contours have been included on a portion of the property adjacent to Whitney Road.

There was no one present on behalf of the applicant and no one present who wished to speak for or against this application and the Chair declared the hearing closed at 7:21 PM.

Deliberations and Action on Application

Ms. Foss moved that the Planning Board grant a waiver to Section 8.04 (2)(a)(ii) of the City's Subdivision Regulations to allow the subdivision plat to be submitted at a scale of 1" = 60' and 1"=200' instead of 1"=50'. Ms. Meyer seconded. Motion carried.

Ms. Meyer moved that the Planning Board grant a waiver to Sections 8.02(2)(a)(i) and 8.02(2)(a)(v) of the City's Subdivision Regulations to not include all of the wetlands locations and contours at two foot intervals on parcel P27/2/19. The wetlands locations and contour information have been provided on a portion of the property to demonstrate that the lot will comply with the City's zoning and subdivision regulations. Mr. Swope seconded. Motion carried.

Ms. Meyer moved that the Planning Board grant conditional final subdivision approval for the "Re-Subdivision Plat of Susan A. Whitney" as prepared by FWS Land Surveying, PLLC subject to the following standard condition:

1. Prior to the final plat being signed by the Planning Board Chair and Clerk, the applicant shall revise the plat drawings to address the minor corrections and omissions noted by City Staff.

Mr. Swope seconded. Motion carried.

Major Site Plan Application

4. Application by the City of Concord for approval of a site plan of property located at 77 Old Turnpike Road. (#2010-13)

Determination of Completeness

Ms. Hebert explained this proposal to construct a fire training facility at 77 Old Turnpike Road.

She reported that this application was complete and ready for public hearing.

Mr. Swope moved that the Planning Board determine this application to be complete and schedule the public hearing for May 19, 2010. Ms. Meyer seconded. Motion carried.

Architectural Design Review

6. Applications by the following for approval of signs at the following locations under the provisions of Section 28-9-4(f), Architectural Design Review, of the Code of Ordinances.

- **Capital Valley Counseling Associates, Inc.** for a free standing sign at **8 Centre Street**.
- **Chaos Martial Arts** for an affixed sign and a replacement panel in an existing free standing sign at **89 Fort Eddy Road**.
- **FedEx Office** for two affixed signs and a replacement panel in an existing free standing sign at **10 Fort Eddy Road**.
- **Friendly's** for revisions to an approved free standing sign at **147 Loudon Road**.
- **Here We Grow Again** for an affixed sign and a replacement panel in an existing free standing sign at **89 Fort Eddy Road**.

The Chair opened the hearings on all of the above signs.

- **Capital Valley Counseling Associates, Inc.** for a free standing sign at **8 Centre Street**.

Mr. Henninger explained this was a replacement sign for a new business using the existing sign post. He reported that the Design Review Committee found the design and placement of the proposed sign to be appropriate for the location and use, and recommended approval as submitted.

There was no one present on behalf of the applicant.

Mr. Swope moved approval as submitted and Ms. Meyer seconded. Motion carried.

- **Chaos Martial Arts** for an affixed sign and a replacement panel in an existing free standing sign at **89 Fort Eddy Road**.

Mr. Henninger explained these are replacement signs for a new tenant in the existing building. He reported that the Design Review Committee found the design and placement of the proposed sign to be appropriate for the location and use, and recommended approval as submitted.

There was no one present on behalf of the applicant.

Mr. Swope moved approval as submitted and Ms. Meyer seconded. Motion carried.

- **FedEx Office** for two affixed signs and a replacement panel in an existing free standing sign at **10 Fort Eddy Road**.

Mr. Henninger explained this signage was the result of a change in the company's branding. He reported that the Design Review Committee found the design and

placement of the proposed signage to be appropriate for the location and use, and recommended approval as submitted.

There was no one present on behalf of the applicant.

Ms. Meyer moved approval as submitted and Mr. Swope seconded. Motion carried.

- **Friendly's** for revisions to an approved free standing sign at **147 Loudon Road**.

Mr. Henninger explained that when the site plan was approved for the replacement of the burned building, the applicants proposed a reconstructed freestanding sign that was much more elaborate. They now propose to replace the pole cover and to use a more modest sign panel. He explained that the change in design is the result of the existing overhead utilities being too near the sign.

He reported that the Design Review Committee recommended that the existing sign panel be cleaned up and retained and the pole be covered as requested by the applicant.

There was no one present on behalf of the applicant.

Mr. Swope moved approval and Ms. Meyer seconded. Motion carried.

- **Here We Grow Again** for an affixed sign and a replacement panel in an existing free standing sign at **89 Fort Eddy Road**.

Mr. Henninger explained these are replacement signs for a new tenant in the existing building. He reported that the Design Review Committee found the design and placement of the proposed sign to be appropriate for the location and use, and recommended approval as submitted with the suggestion that the applicant consider a simpler sign for the panel in the existing free standing sign, with a larger font to make it more visible.

There was no one present on behalf of the applicant.

Ms. Meyer moved approval as submitted and Mr. Swope seconded. Motion carried.

7. Application by **Fox Brook Holdings, LLC** for approval of a Master Signage Plan at **16, 18, and 20 Foundry Street. (#2010-06)**

Public Hearing

Mr. Henninger explained that the applicant has submitted a revised master sign plan for a three building complex bounded by the I-93 right-of-way, the Exit 16 interchange, and West Portsmouth Street. The plan includes two freestanding monument signs, eight affixed signs, three building address signs, one directional monument sign, and one freestanding directory monument sign for 16 Foundry Street. All but one of the monument signs, one of the building address signs, and two affixed signs, as proposed

by Hesser College have previously been granted Architectural Design approval by the Planning Board as part of a Master Sign Plan approved on April 16, 2008.

He reported that the Zoning Board of Adjustment had granted variances to permit a building sign for Hesser College on the easterly façade of the building that is 93 square feet in area and a second sign on the northerly façade of the building that is 12 square feet in area where only four square feet of signage is allowed. A variance was also granted to allow the signs to be placed above the sills of the second story windows. The signs otherwise conform to the requirements of the Zoning Ordinance.

He reported that the Architectural Design Review Committee had reviewed the proposed master sign plan and the four new signs at their April meeting and recommended approval as submitted.

Ms. Meyer had questions relative to the freestanding sign panel. She asked about the color of the proposed new panel. Mr. Henninger responded that it is blue with white lettering. The panel does not reach to the sides of the sign so there is a small border of burgundy around the panel. Ms. Meyer indicated she would prefer that the entire freestanding sign be of the same burgundy color.

Attorney Richard Uchida from Orr & Reno was present on behalf of the applicant to answer questions from the Board.

Ms. Meyer, after looking at the colored rendering, felt that there probably could not be a full width panel in the freestanding sign.

Mr. Drypolcher felt the freestanding sign should be all the same color.

Mr. Swope moved approval as submitted. The motion died for lack of a second.

Ms. McClure agreed, from an aesthetic point of view, that it would seem inconsistent to mix the background colors on the monument sign.

Mr. Drypolcher did not have a problem with the school colors on the affixed sign but felt that, since the freestanding sign is already in place in burgundy, the entire sign should be consistent.

Ms. Meyer moved approval of the signage package with the condition that the panel in the monument sign will be in a color matching the existing burgundy background on the sign and allowing the logo of the school to remain in its school color of blue. Ms. McClure seconded. Motion carried 5-1 with Mr. Hicks against.

8. Application by **81 Hall Street, LLC, and Capitol Hotel Company III, LLC** for approval of a Master Signage Plan at **81 and 91 Hall Street. (#2010-14)**

Mr. Henninger explained that the applicant has submitted a master sign plan for a two building complex bounded by I-93 and Hall Street. The plan includes two freestanding signs and three affixed signs. A freestanding directory sign is proposed on Hall Street for the complex. A freestanding sign is also proposed for the Residence Inn facing I-93. One affixed sign is proposed for the Residence Inn, and two affixed signs are proposed for the two existing businesses in the office building at 81 Hall Street.

He reported that the Zoning Board of Adjustment had granted a variance to permit a second freestanding sign on this site where only one is permitted, with a total square footage of 142 square feet where 100 feet is allowed. The ZBA also granted the applicant's petition for the freestanding sign facing I-93 to be 25 feet in height where only 20 feet is permitted. The ZBA had also granted variances to allow a second affixed sign at 81 Hall Street on the easterly façade with 125 square feet of sign area and to allow the sign to be located above the sills of the second floor windows. The signs otherwise conform to the requirements of the Zoning Ordinance.

He reported that the Design Review Committee had reviewed the proposed master sign plan and recommended that the free standing sign along I-93, the existing affixed sign for *Mount Washington - A Plymouth Rock Company* on the east side of the building at 81 Hall Street as previously approved, and an affixed sign for the *Center for Integrative Medicine* at 81 Hall Street were acceptable as submitted.

He reported the Design Review Committee found the graphics for the proposed affixed sign for Residence Inn at 91 Hall Street to be acceptable in form. However, the Committee noted that the sign was centered in the gable end, but the window in the gable end created an asymmetrical or unbalanced appearance to the sign and to the gable end. The Committee recommended that the sign either be relocated or reduced in size to eliminate this discord, or the window pattern be incorporated into the sign layout.

He reported that the Design Review Committee had noted that all new signage along Hall Street southerly of Yankee Truck, including the abutting Comfort Inn and Best Western hotels, consisted of monument style signs. The Committee also noted that the tenant signs appeared to read more like a variable message board than tenant signs. The Committee recommended that the sign be converted to a monument sign, with the base consisting of contrasting colors to the Residence Inn sign, with the tenant panels incorporated into the sign base.

Attorney Richard Uchida from Orr & Reno was present on behalf of the applicant to answer questions from the Board as was Steve Duprey as applicant.

Mr. Duprey explained that the Residence Inn is set back from the street, complementing the location of the Comfort Inn next door. The goal of their signage package was to insure visibility. The State of New Hampshire authorized a clearing along I-93 so the building is very visible from the Interstate. However, there was no location on the lot for the freestanding sign to be placed that would make it visible to southbound traffic. Their option was to place an affixed sign on the gable end. The signage was carefully

considered in order to have the greatest visibility to southbound I-93 traffic. Marriott also will not allow any other signage on the freestanding sign so the tenant signs are on a separate panel. He offered to approach Marriott for approval for a monument sign that would include the tenants of the office building on a single panel but with a clear separation between the two, and if the Marriott would not accept this, he will have the tenant panel removed from the sign.

Mr. Swope moved approval of the signage package subject to the free standing directory sign along Hall Street being converted to a monument sign, with the base consisting of contrasting colors to the Residence Inn sign, and with the tenant panels to be incorporated into the sign base or otherwise eliminated. Mr. Hicks seconded. Motion carried.

REGULAR MEETING

Minutes

Mr. Swope moved approval of the minutes of the meetings of March 17, 2010 and April 7, 2010 as submitted. Ms. Meyer seconded. Motion carried.

Applications

9. The **Concord Housing Authority** is requesting a one-year extension of the time period in which improvements are to be completed for a previously approved Site Plan for Parmenter Place at **15 Parmenter Road. (#2008-01)**

Mr. Henninger explained that the Planning Board at its May 21, 2008 meeting granted conditional site plan approval for a 25-unit Planned Unit Development on Parmenter Road. The applicant has now requested an extension of the Planning Board's approval for an additional period to allow for the completion of the project. Section 6.03 (D) of the Site Plan Review Regulations states that "all permits shall be issued, all bonded improvements shall be completed, and all other improvements (non-bonded) shall be substantially completed within said two year period" which is tied to the May 21, 2008, vote of the Board.

He reported that the property has been purchased by the Concord Housing Authority, the companion subdivision plan has been recorded in the Merrimack County Registry of Deeds, the existing home on the property demolished, building permits issued for all 25 units, and both on-site and off-site improvements to Parmenter Road have commenced. Work has begun on utilities, both on-site and off-site, and work on the buildings has commenced. All pre-construction conditions of approval have been satisfactorily addressed. The applicant has indicated that they anticipate the project to be substantially complete by the end of October of 2010.

Mr. Swope moved that the Planning Board grant a one year extension of Architectural Design Review approval for the proposed Parmenter Place Planned Unit Development until May 21, 2011, and grant a one year extension of Site Plan approval for the proposed

Parmenter Place Planned Unit Development until May 21, 2011, subject to the following standard conditions remaining from the original approval:

1. Prior to the release of a financial guarantee for any public improvement, an as built plan shall be provided to the City Engineer in form and content acceptable to the City Engineer.
2. Prior to the issuance of any certificate of occupancy for any unit in this development, Parmenter Road and the proposed south road extension shall be substantially complete and acceptable to the City Planner and City Engineer.

Mr. Meyer seconded. Motion carried.

10. Further consideration of a request by **Lorna R. Gagnon** for preliminary approval of a major subdivision of property at **121 Portsmouth Street. (#2007-21)**

Ms. Hebert explained that the Planning Board had previously discussed this application at a public hearing on June 20, 2007. The original layout of the subdivision included seven residential parcels accessed from a proposed cul-de-sac. The proposal also included a waiver request to allow the creation of six residential parcels that did not meet the usable land area requirement pursuant to Section 9.03(3)(b)(i) of the Subdivision Regulations. Each new parcel needs to contain a usable land area rectangle that equals at least 5,000 square feet with a minimum horizontal dimension of 60 feet. Although the six proposed lots contained the required 5,000 square feet, they did not satisfy the minimum dimensional requirement of 60 feet. At the public hearing, a motion to approve the waiver failed, and the Planning Board voted to table the application to allow the applicant time to address the following concerns:

- A connection needed to be provided to the Broken Ground School property to the east;
- The subdivision layout needed to be reconfigured to provide each proposed lot the required usable land area rectangle as specified in Section 9.03(3)(b)(i) of the Subdivision Regulations;
- Additional screening needed to be provided between the proposed lots and the adjacent residential properties; and
- The no-cut areas should be clearly marked with construction fencing.

She reported that the applicant has submitted a conceptual layout of a reconfigured subdivision and is seeking guidance from the Board before moving forward with the fully engineered design. The applicant proposes to subdivide the existing residential lot on which there is a single family residence into five additional building lots. The existing home will be removed and the six new parcels will be accessed from a proposed road that will terminate at a cul-de-sac. The conceptual plan does not address the concerns

regarding the screening to the adjacent properties, but includes a connection to the Broken Ground School property.

Ms. Hebert indicated that the staff is recommending that the applicant should construct a sidewalk only on the southern side of the roadway, along the frontage of proposed lot #1 and #2. The sidewalk should continue to the edge of the right-of-way at the southern side of the cul-de-sac, to allow for a connection to Broken Ground School. The current regulations specify that sidewalks are at the discretion of the Planning Board in medium density districts. The applicant is proposing to reconstruct the portion of the sidewalk that abuts the subdivision along Portsmouth Street.

She reported that the roadway is approximately 435 feet long measured to the end of the end of the cul-de-sac. Details on the design of the revised roadway layout have not been submitted yet, but the pavement on the conceptual plan is 30 feet wide and the right-of-way is 50 feet wide, which is consistent with the existing and proposed design standards for minor streets in high or medium density districts.

She reported that the cul-de-sac has been designed with a right-of-way diameter of 160 feet, a pavement diameter of 140 feet, and an internal island diameter of 80 feet. The existing regulations require a pavement diameter of 150 feet and an internal diameter of 98 feet. The design as submitted will require a waiver. The proposed Subdivision Regulations provide for a smaller cul-de-sac with a right-of-way diameter of 120 feet, and a pavement diameter of 100 feet, and a center island diameter of 48 feet. The interior island of the cul-de-sac was originally designed to serve as a storm water detention area. The Engineering Division has advised the applicant that this is not an acceptable method of treating storm water, and the City will only allow minor grading (1-2') depression within the cul-de-sac island. The storm water needs to be infiltrated onsite to the greatest extent possible.

Jason Hill from Holden Engineering & Surveying, Inc. was present on behalf of the applicant to answer questions from the Board.

Mr. Swope felt that they had met most of the objections the Planning Board had with the earlier proposal. He also felt another hearing would be appropriate inasmuch as it has been three years since the earlier proposal.

Members also indicated that it would be worthwhile for the applicant to consider designing the roadway and cul-de-sac to the standards set forth in the draft Subdivision Regulations. The Board expressed its willingness to consider a waiver request regarding the road and cul-de-sac design assuming that they can meet the standards in the current regulations. Members agreed with the recommendation of City staff to have a sidewalk along the frontage of proposed lot #1 and #2, and continue the sidewalk to the proposed connection to the Broken Ground School property, and the Board noted that additional screening needs to be provided between the proposed lots and the adjacent residential properties, and that the no cut areas should be clearly marked with construction fencing. Lastly, the Board indicated that a new hearing would be appropriate given the passage of time since the first hearing and in recognition of the changes to the plan.

After discussion, Mr. Swope moved that the Planning Board advise the applicant to move forward with the design and engineering of the proposed subdivision layout; that a complete set of fully engineered plans will need to be submitted to the Planning Division for staff review prior to the scheduling of a public hearing by the Planning Board; that the plans need to address the previous concerns of the Board regarding the screening to the adjacent residential properties; and that the applicant should consider modifying the design based on the proposed new subdivision regulations regarding road width and cul-de-sac and sidewalk, presuming the design can actually meet current regulations and standards. Ms. Foss seconded. Motion carried.

11. Consideration of a request for an extension of the stay of the revocation of the recorded subdivision plat of the **Emerald Abode Subdivision on Graham Road (#2003-37)**

Mr. Woodward explained that a request had been received from the applicant for a one month extension of the stay of the revocation. He reported that the applicant's engineers were close to having an updated subdivision layout to submit to the Board but had not yet received the Alteration of Terrain Permit.

He reminded that the Planning Board, that at a meeting on April 15, 2009, they had considered a report from the Planning Division concerning the revocation of the recorded plat of the Emerald Abode Subdivision based on a failure to achieve substantial completion and to attain a vested status pursuant to RSA 674:39 against changes in ordinances and regulations. As the site is in the Residential Open Space (RO) District, compliance with the Cluster Development standards, as amended in March of 2007, is now mandatory. The Board voted to find that the Emerald Abode Subdivision had failed to achieve substantial completion within four years of the date of approval and therefore had failed to become vested pursuant to RSA 674:39, and must comply with changes to the City's Zoning Ordinance adopted on March 12, 2007. The Board then set a public hearing for May 20, 2009, for the consideration of revocation of approval.

On May 20, 2009, after a public hearing, the Board voted to stay its action for a period of ninety (90) days to direct the Clerk to file the declaration of revocation at the Merrimack County Registry of Deeds, based on the applicant's representations relative to the filing of an application within sixty (60) days to bring the Emerald Abode Subdivision into compliance with the City's Zoning Ordinance. The Board granted additional extensions of the stay of the revocation of the plat in August 2009 and January 2010, with the last extension being conditioned on a requirement that if a revised plat was not submitted on or before April 23, 2009, then the Clerk was to file a declaration of revocation at the Merrimack County Registry of Deeds forthwith as the applicant had already received his 30 day written notification.

After discussion of the current request by the Board, Mr. Swope moved that the Planning Board grant an additional one-month extension of the stay of the revocation of the plat of the Emerald Abode Subdivision, which was recorded in the Merrimack

County Registry of Deeds as Plan #18068 on August 31, 2006, under the title of, "Julie Drive Subdivision prepared for Emerald Abode LLC". The one-month stay is to be conditioned upon the submittal of a revised plat on or before noon on May 21, 2010, which is the application deadline for the Board's regular meeting on June 16, 2010, and if a submittal is not made, then the Clerk shall file the declaration of revocation at the Merrimack County Registry of Deeds. Furthermore, if another extension is thought to be necessary, the applicant must submit such a request for consideration by the Board at the May 19, 2010 meeting. Mr. Hicks seconded. Motion carried.

New Business

12. Consideration of **amendments to the Subdivision Regulations and the Site Plan Review Regulations** relative to application fees so as to incorporate the costs associated with the preparation, mailing, posting, and/or publishing of notice pursuant to RSA 676:4 I(d).
13. Consideration of **amendments to the Subdivision Regulations and the Site Plan Review Regulations** relative to application fees so as to incorporate a traffic impact review fee to cover the costs of the time of the City's Traffic Engineer.

Mr. Woodward explained that the application fees for the Subdivision and Site Plan Review Regulations were established as a unified fee to include the costs associated with public notices which are primarily those associated with postage, as certified mail is a requirement of the statute. Most communities in New Hampshire have a separate charge for the public notices in addition to the application fees. Some communities use the actual direct mailing cost, while others have a flat charge per notice which incorporates the postage, as well as preparation of the mailing, envelopes, and labels.

He reported that as a budgetary measure, it is proposed that the cost of notices not be included in the base application fee and be passed through to the applicants similar to the costs of recording fees, which were previously included in the base application fee and were broken out last year to be charged directly to the applicants, consistent with standard procedure for the vast majority of New Hampshire communities. Concord has charged a unified fee that is inclusive of notice costs, in part to minimize the number of financial transactions with each application, thereby simplifying the process for both the applicant and the City. While separate recording fees were simpler to handle as a one time charge at the end of the application process when documents need to be recorded, the costs for notices are incurred every time an application comes before the Board. For a major subdivision or a major site plan, notices are sent for the determination of completeness and again for the public hearing, whereas there is only one notice for minor subdivisions and site plans for a single meeting where the determination of completeness and public hearing occur. Beyond that, the application may be tabled by the Board or postponed at the request of the applicant and the next meeting at which these are considered must be duly noticed.

He reported that a flat fee per notice is proposed at the rate of \$5.00 which is common among other NH communities. The notice fees for the determination of completeness

and public hearing would be required to be submitted up front with the application, while the notice fees for tabled or postponed applications would be required to be submitted fifteen days before the meeting at which the application is expected to be further considered.

Mr. Woodward further explained that over the past twenty years, the Planning Board has used a requirement for special investigative studies to retain, at an applicant's expense, experts in traffic, water supply, and environmental hazards, to review the impacts of, or special circumstances related to, subdivision and site plan applications. The assessment of traffic impacts has been the most common circumstance, and a consulting traffic engineer was retained through the competitive proposal process to provide this service on an application by application basis.

He reported that the process on an individual application has been for an estimate to be prepared of a scope of services for the special study, with the applicant providing a deposit in the amount of 125% of the estimate which would cover any contingencies. The funds are placed in an account and drawn down as the review proceeds. At the conclusion, if funds remain, they are returned to the applicant.

In 2008, the City hired a traffic engineer to serve on the staff of the City Engineering Division. With this capability available in-house, the City Engineer forwarded a proposal asking that the Board allow the expert service for special studies to be provided by a qualified professional employee of the City in lieu of contracting with an outside consultant. In the event that the Board agreed to provide this option, the proposal was for the same sort of financial arrangements used with the outside consultants to continue but with the expert employee's department receiving the reimbursement for the services provided.

At the same time, a new statute, RSA 676:4-b, Third Party Review and Inspection, was approved by the Legislature and become effective on August 8, 2009, which created some new legal issues relative to utilizing a staff position to perform special investigative studies. The City Solicitor's office has reviewed the new statute and has concluded that it was intended to allow for the Board to retain outside consultants to provide an independent review or consultation, and that the employment of City staff in that capacity was not appropriate. However, the Solicitor's office also deemed that it would be appropriate for the Board to expand its application fee structure so as to incorporate costs associated with the type of specialized review that the traffic engineer would provide. The Solicitor's office also noted that the Board may still have occasion where it might not agree with the City Traffic Engineer's conclusions and may wish to exercise its authority to require a third party review at the applicant's expense pursuant to RSA 676:4-b.

He reported that it is proposed that the Subdivision Regulations and Site Plan Review Regulations be amended to add a traffic impact review fee for major site plan applications and major subdivisions which would be expected to exceed the thresholds for traffic impact review previously established by the Board which are applications which are expected to generate greater than twenty vehicle trip ends during the peak

hour period or greater than two hundred vehicle trip ends per day on the local road network. The current provisions for special investigative studies will remain in place for the Board to exercise as they may deem necessary and appropriate for circumstances that might be encountered with a particular application.

Mr. Swope moved that the Planning Board schedule a public hearing at the regular meeting of the Planning Board on May 19, 2010, relative to the proposed amendments to the Subdivision and Site Plan Review Regulations in respect to application fees so as to incorporate the costs associated with the preparation, mailing, posting, and/or publishing of notices pursuant to RSA 676:4 I(d). He further moved that the Planning Board schedule a public hearing at the regular meeting of the Planning Board on May 19, 2010, relative to the proposed amendments to the Subdivision and Site Plan Review Regulations in respect to application fees so as to incorporate a traffic impact review fee to cover the cost of the time for the City's Traffic Engineer to conducting the reviews. Pending the results of the hearings, the Board will decide whether to adopt the proposed amendments. Ms. Meyer seconded. Motion carried.

14. Consideration of a **special or recessed meeting date** for the Board to continue its review of the **proposed new Subdivision Regulations**, together with a request from the Central NH Regional Planning Commission for a time for a presentation to the Board on the **Bicycle Master Plan**.

The Clerk was instructed to survey members of the Board to determine whether May 12th, May 26th, or June 2nd would provide the greatest attendance for a special meeting to discuss the proposed new Subdivision Regulations, preceded by a presentation by the Central NH Regional Planning Commission on the Bicycle Master Plan.

15. Consideration of a notice from the Pembroke Planning Board of a Minor **Site Plan Application by the Dirt Doctors at 709 Keith Avenue in Pembroke**.

Mr. Woodward explained that an abutter notice had been received from the Pembroke Planning Board relative to a minor site plan application from the Dirt Doctors for expansion of storage of mulch and landscape materials on Keith Avenue, westerly of Route 106 and across the Soucook River from the City's airport. The application has been placed on the April 27, 2010 agenda for the Pembroke Board for a determination of completeness to be followed by a public hearing if it is determined complete. Part of the application includes an updated Joint Use Agreement with Public Service of New Hampshire for storage under the power lines.

He reported that this application has no effect on the City's well field or the airport, and there remains a significant buffer to the Soucook River which forms the municipal boundary.

The Planning Board directed the Clerk to respond to the Pembroke Planning Board expressing the Concord Planning Board's appreciation for being kept informed and reporting that the Board has no comments.

Major Site Plan Applications

5. Application by **Tropic Star Development on behalf of Burger King Corporation, the Hall 2001 Family Revocable Trust, and Jean B. Chase** for approval of revisions to a previously approved site plan of property located at **155 and 157 Loudon Road. (#2009-04)**

Determination of Completeness

Mr. Henninger explained that the applicant has submitted for the Board's consideration a new site plan with revisions to site access to both Loudon Road and East Side Drive.

He reported that this application was complete and ready for public hearing.

Ms. Meyer moved that the Planning Board determine this application to be complete and open the public hearing. Mr. Swope seconded. Motion carried.

Public Hearing

Mr. Henninger explained that the Planning Board, at its regular meeting on August 19, 2009, granted conditional Site Plan approval for this project and on September 16, 2009, granted a Conditional Use Permit pursuant to Article 28-7-11(f), Driveway Separation Alternatives, of the Zoning Ordinance, for two driveways on Loudon Road where one is allowed and for one driveway on East Side Drive with less than the required driveway separation, subject to four conditions. A companion subdivision which consolidates both commercial lots and a portion of 36 and 42 Burns Avenue to create a 2.10 acre site for redevelopment was approved by the Planning Board in February of 2009.

He reported that the applicant has now submitted for the Board's consideration a new site plan with revisions to site access to both Loudon Road and East Side Drive. The applicant has requested revisions to allow additional turning movements into and out of the site from both Loudon Road and East Side Drive. No other significant changes to the approved plans have been requested by the applicant. City staff has met with the applicant on numerous occasions to discuss a range of potential modifications to the site access since the approval was granted.

He reported that the original proposal was to demolish an existing auto service building at 155 Loudon Road and an existing Burger King Restaurant at 157 Loudon Road and to construct a new 13,225 square foot CVS Pharmacy and a new 2,598 square foot Burger King. Drive-up windows are proposed for both the Burger King and the CVS. A total of 101 new parking spaces are proposed. A Conditional Use Permit was approved to defer the construction of twelve of the proposed 101 parking spaces.

He reported that the proposed revised access plan would modify the driveways from the approved plan to add an additional left turn out of the site on East Side Drive and an additional left turn into the site from Loudon Road.

He reported that under the approved plan the existing driveway is shifted 30 feet northward away from the Loudon Road intersection, but is only separated by 110 feet from the Loudon Road intersection and 130 feet from the Burns Avenue/East Side Drive intersection.

The original traffic study indicated that the amount of left-turning traffic exiting the East Side Drive driveway is expected to increase from 9 vehicles to 21 vehicles (*133% increase*) in the weekday PM peak hour and from 14 vehicles to 20 vehicles (*30% increase*) in the Saturday peak hour. The amount of left-turning traffic entering the East Side Drive driveway is reported to increase from 4 vehicles to 24 vehicles (*550% increase*) in the weekday PM peak hour and from 5 vehicles to 27 vehicles (*540% increase*) in the Saturday peak hour. The supplemental traffic report indicated that, due to the diversion of left-turning traffic into the Loudon Road entrance, the amount of left-turning traffic from East Side Drive onto the site would be reduced from 30 trips to 13 trips during the PM peak hour in 2010.

Mr. Henninger reported that the applicant has requested that the median approved to be extended westerly on Loudon Road be cut back enough to allow eastbound traffic to turn left into the site. The proposed median extension in Loudon Road west of East Side Drive would be reduced from 115 feet to 47 feet in the proposed plan.

He reported that the City, when it last reconstructed this intersection a little over ten years ago, created a double nested turn lane to allow the two existing businesses to retain access to East Side Drive. The applicant's traffic engineer believes the increased traffic at this intersection can be satisfactorily handled in the same way turning movements are accommodated today. The City's traffic engineer is not so confident that this behavior will continue without adverse operational or safety impacts given the proposed increase in turning movements at the East Side Drive access to the site. This intersection cannot be suitably evaluated with conventional capacity analysis methods due to the forced flow condition.

He explained that the previous approval included the condition that if, in the opinion of the City Engineer and Clerk of the Board, a safety problem exists at the project's driveway on East Side Drive or the increased turning movements at this drive adversely impact traffic at the intersection of East Side Drive and Loudon Road or the turning movements adversely impact traffic flow on East Side Drive, a median should be installed along East Side Drive extending approximately 200 feet north of the intersection of Loudon Road. A design for this median and a financial guarantee would be provided which would allow the City to implement changes on East Side Drive which may be deemed desirable. The previous approval also included the condition that the project driveway on East Side Drive shall be monitored beginning six months after both the Burger King and CVS proposed for the site are open for business and then annually for three years thereafter. The monitoring plan shall be approved by the Clerk of the Board and the City Engineer prior to the start of demolition, and shall, at a minimum, consist of turning movement counts during the weekday PM peak hour and the Saturday peak hour, compilation of accident data and evaluation of each accident, and recording of the length of the queue during peak hours on East Side Drive. A pre-

build baseline survey shall be completed with the same parameters.

He noted that, consistent with the Board's policy to encourage interconnected parking lots along Loudon Road as part of an overall access management program, the previous approval included the condition whereby an agreement to allow for the interconnection of the Tropic Star Development parking lot with the abutters to the west shall be submitted and determined acceptable by the City Planner. The agreement needs the flexibility to locate the interconnection where all parties can agree including the tenants, the landowners and the City Planning Board.

Mr. Henninger explained that the left-turn lane entrance from Loudon Road added another level of complexity to the on-site circulation for the interconnected future driveway as shown on the plan. This was a right-turn out only driveway in the approved plan. If implemented, this would add a major decision point for traffic entering the site which could result in vehicles stopped in the entrance and forcing a queue to occur on Loudon Road. If the interconnected parking lot plan was implemented, this driveway might need to be relocated or redesigned.

He reported that the proposed plan creates a driveway opening on East Side Drive creating a curb-to-curb pedestrian crossing of about 65-70 feet. The approved plan reduced the width of this crossing and provided a pedestrian refuge in the median island within the driveway. These improvements have been eliminated in the revised plan.

He reported that staff is in full agreement with the report prepared by the City's Traffic Engineer. Certain aspects of the applicant's proposed plan do result in some improvement to the intersection of Loudon Road and East Side Drive but other aspects present operational and safety concerns and are not acceptable. Alternative access plans have been discussed which might be acceptable to City staff, such as the plan that was submitted in January of this year and later withdrawn by the applicant.

Mr. Henninger then introduced Robert Mack, the City's Traffic Engineer.

Mr. Mack explained this plan revision proposed several significant modifications to the plan approved by the Planning Board in August 2009 including:

- East Side Drive would be widened on the westerly side to provide two southbound approach lanes from Burns Avenue to the signalized Loudon/East Side Drive intersection. The proposed two-lane southbound approach to the signals will provide about 350 feet of two-lane vehicle stacking, an increase of about 200 feet over the current 150 feet of two-lane stacking (roughly to the existing site driveway location). Revised lane use on this approach will allow southbound left turns onto Loudon Road from either lane for improved signal efficiency as follows.
- Removal of about 20 feet of the westerly end of the median divisor on the Loudon Road westbound approach to the East Side Drive intersection and

corresponding setback of the stop line and vehicle detectors to accommodate the proposed double left-turn movement from East Side Drive.

- Provision for both right-turn and left-turn exits from the site driveway on East Side Drive. The approved plan had a channelized right-turn only lane on this driveway exit.
- Reconfiguration of the western site driveway on Loudon Road to allow right and left-turn entrances from Loudon Road as well as right-turn only exits to Loudon Road westbound. Left turns into the driveway would occur from the painted median area on Loudon Road. The approved site plan configured this driveway as a right-only site exit.

He reported that there were select components of the proposed site access plan that had potential to benefit the traveling public as well as to enhance aspects of site access. These include the proposed widening of East Side Drive to provide a longer two-lane southbound approach to the signal, revising southbound lane use to allow left turns onto Loudon Road from the right lane, and allowing left turns into the site from Loudon Road at the westerly site driveway. On the other hand, the proposed maintenance of a left turn into the site on East Side Drive across a widened two-lane opposing traffic flow posed a potential safety and traffic operational concern and was not recommended, particularly since these left-turns can be conveniently accommodated at other driveways. Similarly, there are traffic operation and safety concerns associated with providing a left-turn egress from the site at East Side Drive, much less a combined left-turn egress and ingress as proposed.

Staff conceptualized an alternative site access plan with the applicant in January 2010 that embodied several of the proposed site-access changes and balanced the need for requested site access with the need to maintain safe and efficient travel on the adjacent arterial streets. In this alternative, the East Side Drive widening and lane use change was provided, but the lane and median striping would be extended through the site driveway intersection to enhance the continuous southbound function of the East Side Drive lanes approaching the signal at Loudon Road. The left-turn into the site from East Side Drive would be prohibited in favor of a left turn entrance from Loudon Road at the westerly site driveway. An option to conditionally allow left-turns from the site onto East Side Drive was also noted to the extent that this would be discontinued at the City's discretion if significant safety or operational problems arose; in this case, applicant-funded traffic improvements such as raised median along this section of East Side Drive could be implemented.

He reported that on-site traffic circulation and related signing and markings had not been reviewed in detail pending resolution of off-site traffic access. However, these items generally appear appropriate for the proposed site configuration and are responsive to comments made during the course of prior site plan reviews.

Mr. Drypolcher expressed concern that on East Side Drive, a situation would arise where drivers might maintain a higher speed if there are two lanes than if there is a

single lane as it is now. He wondered how many drivers would be willing to slow down to allow a vehicle to cross. Mr. Mack responded that in order to generate the capacity desired, traffic will have to move more quickly. The problem is when drivers in one lane become courteous about allowing left turns, then the presence of the second lane demands courtesy from two drivers at the same time in order to accomplish a safe left turning movement.

Mr. Drypolcher understood that the traffic count would drop at the East Side Drive left-turn in if there was a left-turn in from Loudon Road, but he was not convinced that there would be enough gaps to make the Loudon Road turn safe. If there is no pedestrian interference to bring all traffic to a stop, there may not be an opportunity for a gap.

Mr. Roberge explained that staff felt the left-turn in from Loudon Road would be safer than the left-turn in from East Side Drive because it is farther from the traffic signal at the intersection. The staff's preference to see the left turn at the Loudon Road drive where there is an existing left turn that is protected and the signal to create gaps.

Mr. Mack presented videos taken about 1:00 PM today showing the exit from the existing Burger King site, including one view of a near miss between an exiting vehicle and a vehicle heading north on East Side Drive. He reported that if this intersection was designed today, there would be medians at all approaches with no interference near the signal.

Attorney Richard Uchida from Orr & Reno, Steve Pernaw, from Stephen G. Pernaw & Company, Inc., and Gil Rogers, traffic consultant, were present on behalf of Tropic Star.

Mr. Uchida explained that they think they have found a unique approach to this access and intersection. The revised plan they are advancing satisfies the City's Site Plan Review standards by providing satisfactory and safe access. They are not saying that they should not build the plan that City staff feels might be a better alternative. They feel they have an alternative plan that would work. The difference between the two plans is small enough that there are pieces that could be put in place if their plan does not work and the City wants its own design, and they are willing to provide funds to do that.

He explained that the differences between the approved plan and the revised plan are the left-turn in proposed off Loudon Road, a double left lane off East Side Drive to Loudon Road, and a left turn onto East Side Drive from the site. He explained that if in fact their plan does not work, they will put the plan recommended by the City Engineer in place. They would like to get a left turn off East Side Drive and still maintain a safe and suitable access.

(Ms. McClure left the meeting at 10:00 PM.)

Mr. Uchida introduced Steve Pernaw, the applicant's traffic engineer, who described the proposed changes to access as well as the additional mitigation they are now proposing. He reported that a center turn-lane for left turns into the site off Loudon Road exists

today.

Mr. Pernaw then presented a simulation model illustrating access movements under existing conditions as well as under the approved plan and the proposed plan. He pointed out that, as shown in this simulation, queues under the current proposal are likely to be much shorter, particularly in the southbound lanes on East Side Drive

He also showed photos of vehicles leaving the site by making left turns onto East Side Drive, as well as photos of vehicles making left turns into the site. These movements were accomplished mostly due to gaps or driver courtesy.

Mr. Swope explained that his primary concern is the hazard created by having two lanes to cross in making a left turn into the site. He was concerned particularly with vehicles stopping in the left hand lane to allow the left turning vehicle to access the site, and then the right lane vehicle might not stop for the turning vehicle.

Mr. Pernaw indicated that in this location there will be deceleration to slower speeds, but agreed that crossing two lanes is tougher than crossing a single lane. However, it can be done.

Ms. Meyer noted that in the modeling there are not many cars exiting the site at East Side Drive. She suspected that CVS would generate a lot of traffic. Mr. Pernaw responded that the simulation was created based on actual field conditions at CVS locations.

Mr. Pernaw explained that one access management consideration relates to driveway perception. Both CVS and Burger King depend on pass-by traffic so it is important from an access management perspective to have a second opportunity for access. A driver going east on Loudon Road could pass by the Loudon Road driveway before realizing that they could use it. The current plan would provide the opportunity to turn onto East Side Drive and then access either of the businesses via a left turn into the site

Mr. Meyer felt adding the left turn exit lane at East Side Drive is adding to the opportunity for conflict.

Mr. Pernaw indicated that the left-turn exit onto East Side Drive is an existing condition that they are moving farther away from the intersection. Ms. Meyer acknowledged that people are doing it now, but noted that it is a less intensively developed site today that generates much less traffic.

Mr. Pernaw noted that they were eliminating two driveways closest to the traffic signal on Loudon Road, eliminating the left turn exit from Loudon Road, relocating the East Side Drive access about 40 feet to the north to maximize separation from the signal, and minimizing left turns from East Side Drive by providing left turns on Loudon Road. By relocating the entrance they are creating a well-defined driveway with two full lanes. He reported that the East Side Drive approach as currently designed will not need much green time. That green time can be distributed among the other points of the signalized

intersection, thereby adding capacity to the intersection. The level of service remains the same under this proposal.

Mr. Pernaw then introduced Gil Rogers, their traffic consultant.

Mr. Rogers explained that had recently retired from NH Department of Transportation having worked there since about 1972. While at Department of Transportation he worked on the issue of traffic management at many retail developments in New Hampshire, and actually worked to create this existing intersection. He reported that he felt this was an opportunity to finish what the City and State were not able to do years ago. He noted that there is a left-turn arrow painted on East Side Drive to access Burger King now. This is a driveway that acts like a minor city street. He does not feel there will be a capacity issue on Loudon Road. He also suggested that the proposed access to the abutting property should be placed at the rear of the property instead of near the front near Loudon Road where it can create conflicts with entering vehicles.

Mr. Uchida reiterated that they do not see this as a competition between their plan and the City's alternative. They are asking for a chance to try to build their proposed plan with the understanding that they will provide funds to build the City's plan if theirs does not work.

There was no one else who wished to speak for or against the proposal and the Chair declared the hearing closed at 10:59 PM.

Deliberations and Action on Application

The Chair suggested that the Board might like to bring in a third party traffic consultant to review both the applicant's and the City's plans and provide comments.

Ms. Meyer felt there were pieces of this proposal that might work but she emphasized that she could not support the left turn onto East Side Drive because it she felt it would be dangerous for both vehicles and pedestrians. She did not have a big problem with the two left turn lanes onto Loudon Road from East Side Drive and keeping the existing left turn into the site from Loudon Road. She also did not think a third party would give the Planning Board any more information than the Planning Board already had.

Ms. Foss felt this was a complicated issue and another professional opinion would be helpful.

Mr. Hicks struggled with how much more information the Board needed and whether it would change any opinions. He felt that if the Board was going to approve this project, it would have to take a leap of faith and approve some access plan. He did not think there was be a perfect plan and the Planning Board had to take the best of the plans and go for it or take the other course of action.

Mr. Swope felt that the only difference with the current proposal was the left turns being proposed, in particular the left turns on East Side Drive. He was mostly concerned about the left turn access into the site from East Side Drive because the exit movement had more sight distance.

After a lengthy discussion relative to options for action, Mr. Drypolcher moved that the Planning Board ask staff to work out an agreement with the applicant to hire a third party to review the various plans and provide comments for the Board. Ms. Meyer seconded. Motion carried.

There was no further business to come before the Board and the meeting adjourned at 11:23 PM.

A TRUE RECORD ATTEST:

A handwritten signature in black ink, appearing to read "Douglas G. Woodward", with a long horizontal flourish extending to the right.

Douglas G. Woodward
Clerk

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